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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 LV DEBT COLLECT, INC.,

12 Plaintiff(s),

13 v.

14 BANK OF NEW YORK MELLON, et al.,

15 Defendant(s).

Case No.: 2:16-cv-02857-APG-NJK

ORDER

16 Pending before the Court is an order for Plaintiff to show cause why the Court should not
17 dismiss Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") for lack of service.
18 Docket No. 50. Plaintiff has filed a response that a proof of service for MERS was filed in state
19 court, but that MERS has not responded to the answer in light of an earlier stay and more recent
20 settlement discussions. Docket No. 56 at 3. The Federal Rules of Civil Procedure establish a
21 deadline to respond to the complaint. Fed. R. Civ. P. 12(a)(1)(A); *see also* Fed. R. Civ. P. 81(c)(2)
22 (addressing deadline for cases that are removed). "That's a mandate, not a mere suggestion." *State*
23 *Compensation Ins. Fund v. Capen*, 2016 WL 9083270, at *1 (C.D. Cal. Dec. 16, 2016). Regardless
24 of the impact of the stay on that deadline, it has undoubtedly lapsed at this point. *See* Docket No.
25 47 (lifting stay). MERS has not responded to the complaint, nor has any party requested a Court
26 order allowing an extension of the deadline to do so.

27 The Court hereby **ORDERS** that, no later than April 4, 2019, either (1) MERS shall file a
28 response to the complaint, (2) dismissal papers shall be filed for MERS, or (3) a request to extend

1 the deadline for MERS to respond to the complaint shall be filed. The Court **DISCHARGES** the
2 order to show cause for lack of service. The Court lastly **ORDERS** Plaintiff to serve MERS a
3 copy of its response to the order to show cause (Docket No. 56)¹ and a copy of this order, and to
4 file a proof of service by March 25, 2019.

5 IT IS SO ORDERED.

6 Dated: March 21, 2019

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9 Nancy J. Koppe
10 United States Magistrate Judge
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28 ¹ The proof of service indicates that service was completed through CM/ECF. Docket No.
56 at 5. Since MERS has never appeared in this case, it was not served through CM/ECF.